 REMARKS

In the Office Action mailed June 11, 2007, the Examiner rejected claims 1-7 and

9-21 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No.

2002/0173866 to Dangberg et al. and rejected claim 8 under 35 U.S.C. 103(a) as being

unpatentable over Dangberg et al. in view of U.S. Patent Publication No. 2003/0035072

to Hagg.

In rejecting independent claims 1 and 11, the Examiner asserts that Dangberg et

al.'s controller 42 has the ability to "monitor[] said radio broadcast signals for [one or

more] pre-defined recording triggers." To support this assertion, the Examiner notes that

Dangberg et al.'s controller 42 can receive a clock signal from a clock circuit. See

Dangberg et al., paragraph [0020]. Thus, Applicant believes that the Examiner is

equating the claimed "pre-defined recording triggers" with a clock signal in Dangberg et

al.

Applicant respectfully disagrees with this assertion by the Examiner. The clock

signal in Dangberg et al. is generated by a clock circuit. This clock signal is not

embedded in nor a part of the "radio broadcast signals." Since claims 1 and 11 recite the

"pre-defined recording triggers" being monitored for in the "radio broadcast signals," it

follows that Dangberg et al.'s clock, which is separate and distinct from any radio

signals, cannot be equivalent to Applicant's claimed "pre-defined recording triggers."

With respect to claim 9, Applicant asserts that the Examiner is misreading it.

Independent claim 1, from which claim 9 depends, recites an "audio tuner." Thus, it is

the "audio tuner" in claim 1, and not the "selection recognition engine," that tunes to the

proper frequency to receive a radio broadcast.

Instead, what is being claimed in claim 9 is described in paragraph [0014] of the present application wherein a particular audio sound broadcast within a particular radio signal is detected. For example, the audio tuner may tune to the 91.5 MHz frequency to receive the radio broadcast signals. Part of that radio broadcast signal may be an embedded tone of 800 Hz that is monitored for by the selection recognition engine.

With respect to claims 10 and 13, the Examiner apparently equates the claimed "pre-defined time," with Dangberg et al.'s clock signal described in paragraph [0020]. As stated previously, Dangberg et al.'s clock signal comes from a clock circuit and not a "radio broadcast signal." Thus, Dangberg et al. do not teach or suggest claim 10.

With respect to claims 17-19, the Examiner asserts that Dangberg et al. teach notifying the user and cites to paragraphs [0008]-[0010] and [0020]. Applicant has reviewed these paragraphs and cannot find any recitation of a notification system or method therein. To the contrary, Dangberg et al. do not teach a notification system or method in those cited paragraphs. Since Dangberg et al. do not teach this feature in paragraphs [0008]-[0010] and [0020], it follows that the rejection of claims 17-19 is improper.

Claims not specifically mentioned above are allowable due to their dependence on an allowed claim.

CONCLUSION

No additional fees are due. However, the Office is authorized to charge any additional fees or underpayments of fees (including fees for petitions for extensions of time) under 37 C.F.R. 1.16 and 1.17 to account number 502117. Any overpayments should be credited to the same account.

Applicant respectfully requests reconsideration of the present application, withdrawal of the rejections made in the last Office Action and the issuance of a Notice of Allowance. The Applicant's representative can be reached at the below telephone number if the Examiner has any questions.

Respectfully submitted,

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